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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,415	02/17/2004	Chong-Qing Sun	LA0087A CIP	1307

23914 7590 11/24/2006

LOUIS J. WILLE  
BRISTOL-MYERS SQUIBB COMPANY  
PATENT DEPARTMENT  
P O BOX 4000  
PRINCETON, NJ 08543-4000

EXAMINER

SHIAO, REI TSANG

ART UNIT PAPER NUMBER

1626

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/780,415

Applicant(s)

SUN ET AL.

Examiner

Robert Shiao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 and 13-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This application claims benefit of the provisional applications:  
60/381,616 with a filing date 05/17/2002; and  
60/406,711 with a filing date 08/29/2002.
2. Amendment of claims 1-2 and 5, cancellation of claim 3 in the amendment filed on October 10, 2006, is acknowledged. Claims 1-2 and 4-21 are pending in the application.

### ***Responses to Amendment/Arguments***

3. Since the variable  $R_6$  or  $R_6'$  of the variable W independently represent aryl or substituted aryl when the variable G represent aryl (i.e. phenyl), the rejection of claims 1-2, 4-7 and 12 under 35 U.S.C. 102(a) and (e) or 103 (a) over Kelly et al. US 6,365,615 is maintained.
4. Since the variable G of formula (I) does not represents naphthalene, the rejection of claims 1-2, 4-7 and 12 under 35 U.S.C. 102(a) and (e) or the obviousness-type double patenting over Sun et al. '386 has been overcome in the amendment filed on October 10, 2006.
5. Applicants still claim a compound of formula (I), wherein the variable n is 1; the variable G represents aryl (i.e., phenyl) substituted with halo (i.e., Br); the variable  $R_5$  and  $R_5'$  taken together form a double bond with oxygen; the variable  $R_6$  and  $R_6'$  taken together form a double bond with  $NR_7$  and  $R_7$  represent substituted aryl (i.e., phenyl substituted with CN, or OH); the variable  $R_1$  represent hydrogen; the variable W

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represents C R<sub>6</sub> R<sub>6'</sub>, and R<sub>6</sub> or R<sub>6'</sub> independently represents hydrogen; the variable R<sub>2</sub> or R<sub>2'</sub> independently represents hydrogen, see RN 311319-99-0. The rejection of claims 1-2, 4-7 and 12 under 35 U.S.C. 102(b) over Palovich et al. CAS: 134:25357 is maintained.

6. Since the variable R<sub>2</sub> or R<sub>2'</sub> of formula (I) independently does not represent OR<sub>3</sub> and R<sub>3</sub> is hydrogen, the rejection of claims 1-2, 4-7 and 12 under 35 U.S.C. 102(b) over Issartel et al. has been overcome in the amendment filed on October 10, 2006.

7. Since the variable R<sub>1</sub> of formula (I) does not represent arylalkyl or substituted arylalkyl, the rejection of claims 1-2, 4-7 and 12 under 35 U.S.C. 102(b) or 103(a) over Sircar et al. has been overcome in the amendment filed on October 10, 2006.

8. Since claims 3 has been cancelled, the rejection of claim 3 under 35 U.S.C. 102(a), 102(e), 102(b), 103(a) or the obviousness-type double patenting has been obviated herein.

### ***Claim Objections***

9. Claims 1-2, 4-7 and 12 are objected to as containing non-elected subject matter, i.e., heterocyclo or heteroaryl of the variable R<sub>7</sub> or R<sub>7'</sub>, etc. It is suggested that applicants amend the claims to the scope of the elected subject matter as defined on the pages 2-3 of the previous Office action, dated 06/06/2006.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

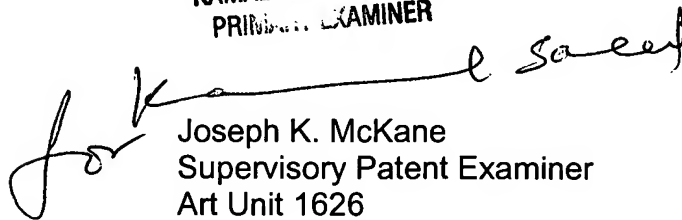
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAMALA SAEED, PH.D.  
PRINCIPAL EXAMINER

 Joseph K. McKane  
Supervisory Patent Examiner  
Art Unit 1626

  
Robert Shiao, Ph.D.  
Patent Examiner  
Art Unit 1626

November 20, 2006